

THE PARK LAW GROUP, LLC

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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

EASYTEX CORPORATION LIMITED,

Plaintiff,

v.

PETER & FRANK OF NY, CORP., CHUL KYU
KIM a/k/a KIM CHUL KYU a/k/a CHUK CHUL
KIM a/k/a ROBERT CHUL KIM a/k/a CHUL
KYOON KIM a/k/a CHULKYOO KIM a/k/a KIM
K. CHUL, BARO SHIPPING CO., LTD., TOP
TEN TRANS, INC., GFA, INC., 3 WIN INC.,
MERCURY, AMERICAN INTERNATIONAL
LINE, INC., SOON CHAN HONG a/k/a SOON
C. HONG a/k/a SOONCHAN C. HONG a/k/a
SOON CHAN HONG a/k/a CHAN S. HONG
a/k/a HONG S. CHAN a/k/a HONG SOON
CHANG d/b/a SOONCHAN HONG CUSTOM
HOUSE BROKER, STOP & STOR, jointly and
severally,

Defendants.

Civil Action No. 07-CV-03907-BSJ

**ANSWER AND AFFIRMATIVE
DEFENSES OF PLAINTIFF AND
COUNTER DEFENDANT, EASYTEX
CORPORATION LIMITED, TO
COUNTERCLAIMS OF DEFENDANT
STOP & STOR**

ECF CASE

Plaintiff and Counter Defendant, Easytex Corporation Limited ("Easytex"), by way of
Answer to Counterclaims of Defendant Stop & Stor ("Stop&Stor"), states:

FIRST COUNT OF COUNTERCLAIM AGAINST PLAINTIFF

167. Easytex denies Stop&Stor's allegations in this paragraph that Stop&Stor is entitled to an apportionment of damages from Easytex.

SECOND COUNT OF COUNTERCLAIM

168. Easytex denies Stop&Stor's allegations in this paragraph that Stop&Stor is entitled to indemnification from Easytex.

WHEREFORE, Easytex demands dismissal of the Counterclaims of Stop&Stor and for an award of counsel fees and costs and for such other and further relief as the Court may deem just and proper. Easytex reserves a right to file an appropriate motion to dismiss the Counterclaims of Stop&Stor.

AFFIRMATIVE DEFENSES

1. With respect to the Counterclaims, Stop&Stor fails to state a claim upon which relief can be granted.
2. Stop&Stor did not incur any damages as a result of Easytex's alleged conduct, which conduct is denied.
3. The Counterclaims are barred by the doctrine of unclean hands.
4. The Counterclaims are barred by the doctrine of estoppel.
5. Stop&Stor is barred from relief due to its failure to mitigate any alleged damages suffered by Stop&Stor.

WHEREFORE, Easytex demands dismissal of the Counterclaims of Stop&Stor and for an award of counsel fees and costs and for such other and further relief as the Court may deem just and proper. Easytex reserves a right to file an appropriate motion to dismiss the Counterclaims of Stop&Stor.

Dated: July 9, 2008



Chull S. Park, Esq. (CP2061)
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CERTIFICATION OF SERVICE

I hereby certify that:

1. Answer of Plaintiff and Counter Defendant, Easytex Corporation Limited, to Counterclaims of Defendant Stop & Stor is being filed by electronic means within the time set forth in the court rules with the:

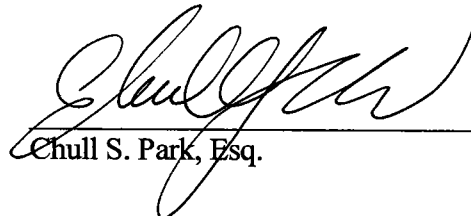
Clerk of Court
United States District Court
Southern District of New York
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street
1st Floor
New York, New York 10007-1312;

2. Pursuant to Section 1.E of the Individual Practices of Judge Barbara S. Jones, Answer of Plaintiff and Counter Defendant, Easytex Corporation Limited, to Counterclaims of Defendant Stop & Stor, is being forwarded to the Judge's Chamber by regular mail that is located as follows:

Honorable Barbara S. Jones
United States District Court
Southern District of New York
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street, Room 620
Courtroom 18B
New York, New York 10007; and

3. Answer of Plaintiff and Counter Defendant, Easytex Corporation Limited, to Counterclaims of Defendant Stop & Stor, is being served upon the attorneys on the attached service list through the Electronic Court Filing system within the time set forth in the court rules.

By:


Chull S. Park, Esq.

Dated: July 9, 2008

Easytex Corporation Limited v. Peter & Frank of NY, Corp., et al.,
ECF Case No. 07-cv-03907 (BSJ) (JCF)
1043.001

SERVICE LIST

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